

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**NSOTI KAPELA GEDEON, #246841936,**

**Petitioner,**

v.

**Civil Action No.: 2:24cv51**

**U.S. IMMIGRATION AND  
CUSTOMS ENFORCEMENT,**

**Respondent.**

**FINAL ORDER**

Before the Court is a Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241, ECF No. 1, and the Respondent’s Motion to Dismiss, ECF No. 14. In the Petition, Nsoti Kapela Gedeon (“Petitioner”), an immigration detainee, challenged the conditions of his detention with U.S. Immigration and Customs Enforcement pending his deportation to his country of citizenship, the Democratic Republic of the Congo.

This case was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), Federal Rule of Civil Procedure 72(b), and Local Civil Rule 72 for a Report and Recommendation. As explained in Respondent’s memorandum in support of its Motion to Dismiss, Petitioner was removed from the United States to the Democratic Republic of the Congo on May 28, 2024. ECF No. 15 at 2. Accordingly, on November 14, 2024, the Magistrate Judge filed a Report and Recommendation (“the Report”) recommending dismissal of the Petition. ECF No. 20. By receiving copy of the Report, each party was advised of its right to file written objections to the Magistrate Judge’s findings and recommendations. *Id.* at 4. The Court received

no objections to the Report and the time for filing objections has now expired.<sup>1</sup>

Accordingly, the Court accepts the findings and recommendations set forth in the Report of the United States Magistrate Judge, ECF No. 20, and it is **ORDERED** that the Respondent's Motion to Dismiss, ECF No. 14, be **GRANTED**, and that the Petition, ECF No. 1, be **DISMISSED** as **MOOT**.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this Court, United State Courthouse, 600 Granby Street, Norfolk, Virginia, 23510, within sixty (60) days from the date of entry of such judgment.

The Clerk is **DIRECTED** to forward a copy of this Final Order to Petitioner's last known address and provide an electronic copy of the same to counsel of record for the Respondent.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
Arenda L. Wright Allen  
United States District Judge

Norfolk, Virginia  
Date: February 13, 2025

---

<sup>1</sup> Petitioner departed the United States on May 28, 2024, prior to the Magistrate Judge's Report being filed, and did not provide any updated address for service pursuant to Eastern District of Virginia Local Civil Rule 7(B). As a result, Petitioner's copy of the Report was returned to the Court as undeliverable. ECF No. 21.